

ESTTA Tracking number: **ESTTA436107**

Filing date: **10/17/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91198718
Party	Plaintiff William Quigley
Correspondence Address	ZACHARY D MESSA RUPPEL & BURNS LLP POST OFFICE BOX 1100 TAMPA, FL 33601-1100 UNITED STATES zacharym@jpfirm.com
Submission	Motion to Consolidate
Filer's Name	Cheryl Fakhry
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Date	10/17/2011
Attachments	Finalized Motion to Consolidate.pdf (4 pages)(81357 bytes)


Opposer William Quigley ("Opposer"), and Applicants John Theofilos and T-Squad, LLC ("Applicants"), respectfully move the Trademark Trial and Appeal Board for consolidation of Opposition No. 91198718 with Opposition No. 91201092, pursuant to Fed. R. Civ. P. 42(a) and TBMP § 511. Opposer and Applicants seek consolidation of the oppositions to the trademarks "IF IT DOESN'T EXCITE YOU. WHY BOTHER?" and "SKRAPPER IF IT DOESN'T EXCITE YOU WHY BOTHER." (the "Marks") for the reasons set forth herein:

1. The subject opposition proceedings involve common questions of law and fact.
2. Applicant T-Squad, LLC is a Florida limited liability company in which Applicant John Theofilos is an investor.
3. Opposer is represented by the same attorney in both proceedings, Lisa Ferri of Mayer Brown, LLP. Applicants are represented by the same attorney in both proceedings, Zachary D. Messa of Johnson, Pope, Bokor, Ruppel & Burns, LLP.
3. The Marks are both registered for international class 025 for the sale of t-shirts. The only difference in the subject applications is the addition of the word "Skrapper" to the second mark being opposed.
4. The issues raised by Opposer in both oppositions are the same, namely, that rights to the Marks belong to Opposer, Applicants knowingly and intentionally misrepresented themselves as sole owner of the Marks in their trademark applications, and use of the Marks by Applicants would cause confusion.
5. The opposition proceedings are both in the initial stages in that the testimony period has not begun in either of the opposition proceedings.

WHEREFORE, because the oppositions involve common questions of law and fact, Opposer and Applicants respectfully request that the Board consolidate Opposition Nos. 91198718 and 91201092 and extend the discovery period and reset the trial dates in accordance with the timeline issued by the Board for the later mark, Opposition No. 91201092.

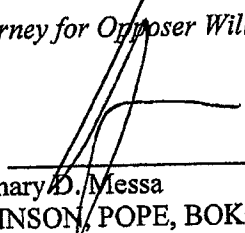
Respectfully submitted,

Date: October 17, 2011

By: 
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Date: October 17, 2011

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Attorney for Applicants John Theofilos and T-Squad, LLC

Certificate of Service

I hereby certify that on October 17, 2011, a true and correct copy of the foregoing has been served via U.S. Mail upon:

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Attorney for Applicant


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